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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAR 27 AM 9:44

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. '08 MJ 0937
v.	)	COMPLAINT FOR VIOLATION OF:
Fernando JUAREZ-Zubieta	)	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States
Defendant.	)	

BY: FMT DEPUTY

The undersigned complainant, being duly sworn, states:

On or about, **March 15, 2008**, within the Southern District of California, defendant, **Fernando JUAREZ-Zubieta**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

AUSA/83

CONTINUATION OF COMPLAINT:
NAME: JUAREZ-Zubieta, Fernando

PROBABLE CAUSE STATEMENT

On March 15, 2008, the defendant identified as **Fernando JUAREZ-Zubieta** was arrested in San Diego, California by the San Diego Sheriff's Office for violation of 459 PC "ATTEMPTED BURGLARY: FIRST DEGREE" and booked into San Diego Central Jail. On March 15, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement (ICE) determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On March 26, 2008, at approximately 3:50 a.m., the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about December 10, 1997 and physically removed to Mexico on or about December 10, 1997 via the Calexico Port of Entry. Record checks also revealed that the defendant was issued a Reinstatement of Removal Order and was physically removed to Mexico on or about August 04, 2000 via the Calexico Port of Entry, and again on February 19, 2004 via the San Ysidro Port of Entry. Record checks further indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Fernando JUAREZ-Zubieta, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico, was ordered removed to Mexico and has no legal right to enter or reside in the United States. Based upon the foregoing information, there is probable cause to believe that Fernando JUAREZ-Zubieta has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.

[signature]
Deportation Officer
Immigration & Customs Enforcement

[signature]
William McCurine Jr.
United States Magistrate Judge

3/27/08
Date/Time